

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KIMBERLY SCOTT,

Plaintiff,

vs.

SPOKANE COUNTY SHERIFF'S
OFFICE, and CHENEY POLICE
DEPARTMENT,

Defendants.

NO. CV-12-207-LRS

ORDER OF DISMISSAL WITH PREJUDICE

On May 1, 2012, the Court dismissed the Plaintiff's complaint granting her leave to amend on or before May 30, 2012. Plaintiff's complaint was unintelligible and failed to meet the pleading requirements of Federal Rules of Civil Procedure 8 and 9. Plaintiff has since filed two additional pleadings with the court, totaling 129 pages (ECF Nos. 4,5). These documents, like the complaint, are full of disjointed incomplete sentences which are hopelessly unintelligible. The Plaintiff's filings fail to coherently state the wrong alleged, who committed the wrong, and what facts support such claim. Plaintiff mentions, among other things, the Police Departments have criminals working for them who have kidnapped the missing people attached to her amended complaint.

1 The Court is mindful that the plaintiff is proceeding *pro se* and
2 that his submissions should be held to less stringent standards than
3 formal pleadings drafted by lawyers. However, the Plaintiff's claims
4 are simply indiscernible. Thus the defects of Plaintiff's complaint
5 remain uncured. It is appropriate to dismiss a complaint with
6 prejudice "where leave to amend has previously been given and the
7 successive pleadings remain prolix and unintelligible." *Salahuddin v.*
8 *Cuomo*, 861 F.2d 40, 42 (2nd Cir.1988); *Prezzi v. Schelter*, 469 F.2d
9 691, 692 (2d Cir.1972) (per curiam) (final dismissal appropriate where
10 complaint was "a labyrinthine prolixity of unrelated and vituperative
11 charges that defied comprehension" and amended complaint failed to
12 cure defect). While this Court notes that dismissal of a Plaintiff's
13 claim is strongly disfavored, it is also true that the not
14 insubstantial burden on judicial resources by such poorly articulated
15 and frivolous claims may detract from the proper attention other
16 meritorious claims deserve. Furthermore, since the "plain" statement
17 requirement of Rule 8(a)(2) is intended to give the adverse party fair
18 notice of the claim asserted so as to enable him to answer and prepare
19 for trial, the absence of clearly articulated legal and factual
20 allegations in the filings of record would place the Defendants in an
21 impossible position.

22 The Plaintiff was previously warned that the failure to amend her
23 complaint would result in the dismissal of this lawsuit.

24 Accordingly, For the reasons stated above, the complaint and
25 subsequent amendments filed by Plaintiff are dismissed with prejudice.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to
2 provide copies of this Order to the parties and close the file.

3 **DATED** this 1st day of June, 2012.

4 ***s/Lonny R. Suko***

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6 LONNY R. SUKO
7 UNITED STATES DISTRICT JUDGE